

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-20042

ZAFAR MEHMOOD, et al.,

Defendants.

**OPINION AND ORDER DENYING DEFENDANT'S
MOTION FOR BILL OF PARTICULARS**

Before the court is a "Motion for a Bill of Particulars" filed by Defendant Mehmood on May 7, 2014. The Government opposes the motion. The matter is fully briefed, and no hearing is necessary. See E.D. Mich. Local Cr. R. 12(a); E.D. Mich. Local R. 7.1(a). Defendant's motion will be denied.

A bill of particulars may be required where an indictment is vague and fails to inform a defendant of the nature of the charge against him with sufficient precision to enable him to prepare for trial, to avoid or minimize the danger of surprise at the time of trial, and to enable him to plead his acquittal or conviction at bar in another prosecution for the same offense. *United States v. Birmley*, 529 F.2d 103, 108 (6th Cir. 1975).

This indictment easily passes the *Birmley* test. It is replete with information and detail, and specifies the alleged role and behavior of each participant. Precise dates, times, and places for various events that may be proved, as Defendant seeks, are not required. See *United States v. Rosenthal*, 793 F.2d 1214, 1227 (11th Cir. 1986). To

the extent that Defendant seeks discovery under Federal Rule of Criminal Procedure 16, the court is satisfied that the Government has discharged its obligations, as stated in its response to this motion. Such documents as are due to be provided to Defendant have been tendered. Accordingly,

IT IS ORDERED that the Defendant's "Motion for a Bill of Particulars" (Dkt. # 116) is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 29, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 29, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522